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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
AGWUMEZIE, CHARLES C				
ART UNIT		PAPER NUMBER		
3685				
NOTIFICATION DATE		DELIVERY MODE		
11/05/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/697,242

**Applicant(s)**

KIJIMA ET AL.

**Examiner**

CHARLES C. AGWUMEZIE

**Art Unit**

3685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-2, 5-11, 14-15, 17-18, 20-21, 24-27 and 30-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-2, 5-11, 14-15, 17-18, 20-21, 24-27 and 30-32 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-949)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/7/06 & 3/13/07  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 2, 2008 has been entered.

### **Acknowledgments**

2. Applicant's amendment filed on August 1, 2008 is acknowledged. Accordingly claims 1-2, 5-11, 14-15, 17-18, 20-21, 24-27 and 30-32 remain pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-2, 5-11, 14-21, 24-27 and 30-32**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al U.S. Patent Application Publication No.

2003/0200216 A1 in view of Inoue et al U.S. Patent Application Publication No.  
2004/0117309 A1.

5. As per claims 1, 20 and 26, Hayes et al discloses an information service method, comprising the steps of:

recording identification information that is unique to a non-recordable data recording medium to the recording medium (figs. 9 and 10; 0023; ...unique disc identification information...; 0025; 0026; 0028; 0030);

correlatively storing the identification information and management information corresponding to the data recording medium at the management server (0028; 0024; ...the disc identification information ...is correlated with the intended recipient remote location...; 0025; 0030);

reading the identification information from the data recording medium when data is reproduced from the data recording medium (0025; 0028; 0030; ...system then reads the disc identification information...);

transmitting the identification information from the data recording medium to a communication network (fig. 19; 0025; ...reads the disc identification information and sends its unique remote identification number and disc identification information via communication link...; 0028; 0030);

receiving at the management server the transmitted identification information and reading the management information correlated with the identification information (0025;

0028; 0030; ...the client device communicates a unique identifier associated with a particular piece of media...);

outputting the read management information from the management server (fig. 7; 0025; 0028; 0082; 0083);

transmitting the identification information and information that represents a use mode of the data recording medium to the management server (fig. 19; 0025; ...reads the disc identification information and sends its unique remote identification number and disc identification information via communication link...; 0028; 003);

updating, at the server, the management information each time the identification information and information that represents a use mode of the data recording medium is received; and

reproducing the content data on the data recording medium in accordance with the provided management information (fig. 5; 0024; 0025; ...write encrypted data stream to media...; 0026; ...configured to write to the R-W subchannels of the control bytes...of first sector of a recordable disc...);

**6. What Hayes et al does not explicitly disclose:**

updating, at the server, the management information each time the identification information and information that represents a use mode of the data recording medium is received. Hayes however discloses that unique identification information is also recorded on each disc (see 0023)

**7. Inoue et al discloses:**

updating, at the server, the management information each time the identification information and information that represents a use mode of the data recording medium is received (0025, which discloses that the use restriction information recorded on the medium is update... since the use restriction information is set by the management server side...; 0028; 0037, which discloses that use restriction information recorded on the recording medium is updated by the use restriction update information, the use restriction update information held at the management server side indicates the same details as those indicated by the use restriction information held in the recording medium...; 0039).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hayes et al and incorporate the method, comprising updating, at the server, the management information each time the identification information and information that represents a use mode of the data recording medium is received in view of the teachings of Inoue et al since the claimed invention is merely a combination of old and known elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

8. As per claims 2, 11, 21 and 27, Hayes et al further discloses the information service method, wherein the data recording medium is an optical disc of which a reproduction signal is obtained in accordance with reflected light of radiated light (0024;

0025; 0023, which discloses compact disc CDs which inherently is reproduced with reflected light of radiated light...; 0027).

9. As per claim 5, Hayes et al failed to explicitly disclose the information service method, further comprising:

setting the management information when the data recording medium is obtained, wherein the management information that is correlated with the identification information and stored is set in accordance with the management information that has been set when the data recording medium is obtained.

Inoue et al discloses setting the management information when the data recording medium is obtained, wherein the management information that is correlated with the identification information and stored is set in accordance with the management information that has been set when the data recording medium is obtained (see fig. 2b, which discloses number of uses information...use time information ....use date/time information...).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hayes et al and incorporate the method, comprising setting the management information when the data recording medium is obtained, wherein the management information that is correlated with the identification information and stored is set in accordance with the management information that has been set when the data recording medium is obtained in view of the teachings of Inoue et al since the claimed invention is merely a combination of old and

known elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**10.** As per **claim 7**, Hayes et al further discloses the information service method, further comprising:

issuing key data that allows the content data recorded on the data recording medium to be reproduced in accordance with the management information that has been read (0025, which discloses sending a unique decryption key to access the particular distribution CD ...; 0027; 0028).

**11.** As per **claim 8**, Hayes et al further discloses the information service method, wherein the key data issued is transmitted to a reproducing side that reproduces data from the data recording medium through the communication network (0025, which discloses that the central access control system will send the requesting information access system a unique decryption key to access the particular distribution CD ...; 0027; 0028).

**12.** As per **claims 9, 18, 25, and 31**, Hayes et al further discloses the information service method, wherein license information for content data recorded on the data recording medium is added to the key data issued in accordance with the management

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information and transmitted through the communication network (0025; 0027; 0028; ...server encrypts electronic content using unique identifier as key...).

**13.** As per **claim 10**, Hayes et al discloses an information service system, comprising:

- an identification information recording unit configured to record identification information unique to a non-recordable data recording medium to the data recording medium (fig. 9 and 10; 0023; 0026; 0028; 0030);

- an information terminal unit having:

- a reproducing unit configured to reproduce data from the data recording medium (fig. 5; 0159; "...write encrypted data stream to media..."), and

- an identification information reading unit configured to read the identification information from a reproduction output of the reproducing unit (fig. 5; 0024; 0025; 0028);

and

- a server unit having:

- a memory configured to correlatively store the identification information and management information corresponding to the data recording medium (fig. 5; 0024; 0025; 0028), and

- the server unit is configured to read the management information stored by the memory in accordance with the identification information transmitted from the information terminal unit (0024; 0025; 0028; ...the client device communicates a unique identifier associated with a particular piece of media...)

wherein

said terminal unit is configured to reproduce the data on the data recording medium in accordance with the provided management information (fig. 5; 0024; 0025; 0028; "...write encrypted data stream to media...");

when data is reproduced from the data recording medium, the identification information that has been read from the data recording medium and information that represents a use mode of the data recording medium are transmitted from the information terminal unit to the server unit (0025, which discloses that the information access system then reads the disc identification information and sends its unique remote location identification number and the disc identification information as an access request to the central access control system via the bilateral communication link), and

the server unit is configured to rewrite the management information in accordance with the identification information and the information that represents the uses state that have been transmitted.

**14.** What Hayes et al does not explicitly disclose:

the server unit is configured to rewrite the management information in accordance with the identification information and the information that represents the uses state that have been transmitted.

**15.** Inoue et al discloses:

the server unit is configured to rewrite the management information in accordance with the identification information and the information that represents the

uses state that have been transmitted (see fig. 5; 0025, which discloses that the use restriction information recorded on the medium is update... since the use restriction information is set by the management server side...; 0028; 0037, which discloses that use restriction information recorded on the recording medium is updated by the use restriction update information, the use restriction update information held at the management server side indicates the same details as those indicated by the use restriction information held in the recording medium...; 0039).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Hayes et al and incorporate the method, comprising the server unit is configured to rewrite the management information in accordance with the identification information and the information that represents the uses state that have been transmitted in view of the teachings of Miura et al since the claimed invention is merely a combination of old and known elements and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**16.** As per claim 14, Hayes et al further discloses the information service system, further comprising: an identification information reading unit configured to read the identification information recorded on the data recording medium and transmit the identification information to the server unit when the data recording medium is obtained

(fig. 5; 0024; 0025; 0028; ...the client device communicates a unique identifier associated with a particular piece of media...).

**17.** As per **claim 15**, Hayes et al further discloses the information service system, wherein the identification information reading unit is configured to set user's license for the data recording medium and transmit the license to the server unit along with the identification information (fig. 13B; 0024; 0025; 0028).

**18.** As per **claim 17**, Hayes et al further discloses the information service system, wherein when data is reproduced from the data recording medium by the reproducing unit, the information terminal unit is configured to transmit the identification information that has been read by the identification information reading unit to the server unit (fig. 5; 0024; 0025; 0028; ...the client device communicates a unique identifier associated with a particular piece of media...), and

wherein the server unit is configured to issue key data that allows content data recorded on the data recording medium to be reproduced in accordance with the management information that has been read from the memory in accordance with the identification information that has been transmitted and transmit the key data to the information terminal unit (fig. 5; 0024; 0025, which discloses sending a unique decryption key to access the particular distribution CD ...; 0027; 0028).

19. As per claims 19 and 32, Hayes et al further discloses the information service system, wherein the information terminal unit is configured to store a part of the management information (fig. 7; 0027; 0028).

20. As per claims 24 and 30, Hayes et al further discloses the reproducing or recording controlling method, wherein the server unit is configured to transmit key data that has been issued by the server unit in accordance with the management information correlated with the identification information, the key data being configured to control whether to reproduce content data recorded on the data recording medium or to record the content data recorded on the data recording medium to another recording medium (0025, which discloses that the central access control system will send the requesting information access system a unique decryption key to access the particular distribution CD ...; 0027; 0028; ...server encrypts electronic content using unique identifier as key...).

### ***Conclusion***

21. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/  
Primary Examiner, Art Unit 3685  
October 28, 2008